

TOWN OF SUPERIOR

Meeting Minutes OF REGULAR MEETING OF THE TOWN OF SUPERIOR TOWN COUNCIL Superior Town Hall Auditorium, 199 N. Lobb Ave., Superior, Arizona

1. CALL TO ORDER

The Meeting was called to order by Mayor Valenzuela at 7:00 pm.

2. ROLL CALL

Present

Mayor Jayme Valenzuela
Vice Mayor Olga Lopez
Councilmember Michael Alonzo
Councilmember Stephen Estatico
Councilmember Mila Besich-Lira
Councilmember John Tameron

Excused/Absent: Councilmember Gilbert Aguilar

3. PLEDGE OF ALLEGIANCE

Mayor Valenzuela

4. INVOCATION

Father Samuel Jandeh, Saint Francis of Assisi Catholic Church

5. SPECIAL PRESENTATIONS

A. Presentation on Code Enforcement by Chief David Neuss; Introduction of New Officers: Martin "Sammy" Sosa, full time; Reserves William Naber & Jason Todd

Chief David Neuss updates Council on the progress of the Code Enforcement program which started December 1st, 2015. The Town has been broken into four quads which are patrolled by day shift officers. Verbal notification is given to home owners of any violations. The night shift officer then produce written warnings, reports are then given back to the day shift officers who once again contact the home owner regarding the resolve of the violation. Chief Neuss states to Council that the hope is never to reach the point of a citation with the home owner. One month rotations of the quads will give the home owner time to comply with the written warning. Moving forward another verbal warning will be given after which could result in a violation. Chief Neuss closes his presentation explaining to the Council that this approach will hopefully educate the Town and change a thought process. Chief notes

that eighty-four properties are in violation and 22 citations have been issued thus far and of those citations seventeen properties are now in compliance with the code.

Reserve Officers William Naber and Jason Todd are introduced to Council. Officer Todd was in the Navy with Security Services, has worked for Avondale Police, Gila River Indian Community; Fugitive Recovery Task Force and is currently working with Office of Child Welfare Investigation and is a SWAT member with Gila River and is fluent in federal grant writing. Officer Todd couldn't be at the meeting tonight as he is with his father who is ill.

Reserve Officer William Naber has 30 years of law enforcement; 20 years full time and has been retired for 10 years serving as a reserve. Officer Naber has an Associate in Criminal Justice, Bachelors in Education and is currently working on his Masters in Forensic Sciences. Officer Naber was a Deputy in Pinal County in 1976 and has worked for Mammoth Police Department and the Gila County Attorney's Office. Mr. Naber is certified in Crime Scene Detective work and is currently doing background work for the Town of Superior.

Lastly Chief Neuss introduces full time Officer Martin "Sammy" Sosa. Officer Sosa is a Marine Veteran; combat tour in Iraq in 2004 with police tactics and patrol. Officer Sosa has two children and has worked for the Maricopa County Sheriff's Office and the Phoenix Police Department. Officer Sosa is currently a supervisor for a private security firm, however is totally committed to the Town of Superior.

Chief Neuss provides the meeting with some brochures with clean up dates and contact information. The Town of Superior is part of a coalition force with Pinal County for Rape Awareness and there is also some information for citizens.

Mayor Valenzuela discusses the issue of the code enforcement violation process related to the Justice of the Peace. Chief Neuss advises the Mayor and Council that the Courts have expressed willingness to cooperate with the violation process.

6. STAFF REPORTS

Mayor

No report.

Manager

Margaret Gaston

Town Manager Margaret Gaston thanks Shelly Salazar, City Clerk for the City of Globe for consenting to take the minutes for tonight's meeting and the Town of Superior greatly appreciates her service.

The Public Works chipper was picked up on November 20, 2015 and the ADOT maintenance yard has been working on the chipper along with their own equipment and DPS vehicles. Everything has been fixed on the chipper except the fuel tank. The tank was so corroded that a new one has been ordered.

W-2's will go out soon and also the 1099's before the end of the month. All of the quarterly reports will be due at the end of January. Quarter and year end payroll reports is always extra work for Town Hall.

Manager Gaston received an email this afternoon that has some interesting statistics. ADOT has committed nearly \$50 million to projects in the corridor, including the addition of a passing lane and wider shoulder as the highway climbs east from Superior, five miles of new divided highway, rock fall mitigation, bridge work and drainage improvements. The widening of US 60; 5 miles west and into Superior will be completed in 2017. Upcoming projects include new lighting in the Queen Creek tunnel.

Circle K is still moving forward with their plans for a new Circle K. They have made a few changes to the design however it is great to know they are still moving forward.

Ana Medina, Pinal Gila Council for Senior Citizens, completed a monitoring visit to the Senior Center. There were only a few minor items that needed to be taken care of and all financial reports are in order. Ana Medina congratulated David Romero and Paula Romero for their hard work and excellent record keeping.

7. **CONSENT AGENDA**

Pursuant to Section 2-4-6 (D), matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Prior to consideration of the Consent Agenda, the Mayor will ask whether any members of the Council request any item be removed from the Consent Agenda for separate discussion.

- A. Minutes of Special Council Meeting November 12, 2015
- B. Minutes of Special Council Meeting December 9, 2015
- C. Special Event Use Permit for Legends of Superior Trails, Inc. Main Street Closure, Magma to Kellner, February 13, 2016, for LOST trail fest,
- D. Department Reports
 - Fire
 - Police
 - Library
 - Senior Center
 - Public Works
 - Sanitation
 - Superior Magistrate Court

Motion; Approve the Consent Agenda as read, **Action;** Approve, **Moved by:** Councilmember Stephen Estatico, **Seconded by:** Councilwoman Mila Besich-Lira
Motion passed unanimously.

8. **NEW BUSINESS**

- A. Resolution No. 16-558 A Resolution of the Mayor and Town Council of the Town of Superior Authorizing the Joint Application with the Industrial Development Authority of Gila County Authorizing Joint Application for Promise Zone Designation and MOU with Other Governmental Entities.
Council Letter No. 293

Town Manager Margaret Gaston reads Resolution No. 16-558 into the meeting and the Council is satisfied with the reading.

Councilwoman Mila Beshich-Lira recuses herself from the item due to a conflict with Gila County. Councilman John Tameron confirms with the Town Attorney as the Vice President of Pinal County IGA Board there would be no conflict. The Town Attorney advises Councilmember Tameron that there would be no conflict due to the fact that the Member would not receive any personal gain from the MOU in question.

Town Manager Gaston informs the Council of the Promise Zone Designation Initiative MOU between the San Carlos Apache Tribe and the Industrial Development Authority of Gila County, including the City of Globe, Towns of Miami, Hayden-Winkleman, San Carlos Apache Tribe, Tonto Basin and Gila County. This is a wonderfully opportunity for the Town of Superior to possible apply for grants. Manager Gaston informs Council that the MOU and Resolution was included in Council packets for information. The deadline to participate with this Initiative is February 23, 2016 and the designation is good for 10 years. Sandy Palmer; Administrative Manager with the Industrial Development Authority of Gila County is introduced to Council. There is no Council discussion.

Motion; Approve Resolution No. 16-558, **Action;** Approve, **Motion by:** Councilmember Stephen Estatico, **Seconded by:** Councilman John Tameron
Motion passed unanimously

- B. Resolution No. 16-559 A Resolution of the Town Council of the Town of Superior, Arizona, Approving the Intergovernmental Agreement between the Town and Arizona Department of Transportation for Superior Sign Upgrade
Council Letter No. 294

Town Manager Gaston reads Resolution No. 16-559 into the meeting and the Council is satisfied with the reading.

Manager Gaston advises Council that the Town found out in October, 2015 that an application needed to be submitted to the Highway Safety Improvement Plan even though CAG had approved the project. The application was approved on December 9, 2015 with ADOT and now we have the IGA with a total amount of project at \$270,000. Total estimate received from ADOT is \$220,000. Ms. Gaston advises Council that the Towns responsibility is to install all the post for the signage due to the Towns right-of-way and the Public Works Department is currently working towards this. The project will start in 2016

and be completed in 2017. Town Manager Gaston informs the Council that the Town Attorney has approved the IGA and request approval from Council.

Motion; Approve Resolution No. 16-559, **Action;** Approve, **Motion by:** Councilmember Mila Beshich-Lira, **Seconded by:** Vice Mayor Olga Lopez.
Motion passed unanimously.

- C. Special Event Liquor License for Veterans of Foreign Wars for Apache Leap Mining Festival to open their Facilities to the Public
Council Letter No. 296

Town Manager presents the Special Event Liquor License for Veterans of Foreign Wars for the Apache Leap Mining Festival to be held March 11, 2016 through March 13, 2016 to Council.

Motion; Approve Special Event Liquor License for Veterans of Foreign Wars for the Apache Leap Mining Festival, **Action;** Approve, **Motion by:** Councilmember Mila Besich-Lira, **Seconded by:** Vice Mayor Olga Lopez.
Motion passed unanimously.

- D. Presentation of Auditor Findings by Scott Powell, CPA, Colby & Powell, PLC, and Possible Acceptance of the Report by Council
Council Letter No. 295

Mr. Scott Powell, CPA with Colby & Powell, PLC presents audit finding and recommendations for possible acceptance by Council. Debit card charges and ATM with drawls made by the Town of Superior VISA card in Mayor Valenzuela's possession totaling \$2,345.50 which includes a \$22.50 non-Bank of the West fee are discussed by Council to be questionable Town expenses. Mr. Powell reports from the audit findings that purchases in question were made including purchases at Walmart, Home Depot and a Casino.. Recommendations to Council include that VISA cards remain in the Towns possession at a secured location and a check in and out procedure be established for future best practices. It was also recommended that all debit card transactions be reconciled every month to the bank statements.

Councilmember Alonzo stated that he was hoping of a more detailed report from the auditor and that the recommendation should be a standard practice. Councilmember Alonzo also was disappointed of the loss of control. Councilmember Alonzo then addressed Mayor Valenzuela and stated that Council was told this was one occurrence made in error and that the impression that was made is unacceptable. Councilman Alonzo then requested a thorough investigation and told the Mayor that he was stealing from the Town and that the trust was gone. Councilmember Alonzo then asked for the Mayor Valenzuela's resignation.

Councilmember Besich-Lira asked when Staff was made aware of the transactions and why was Council not notified until the meeting. Councilmember Besich-Lira also asked the auditor why reconciliation reports to bank statements not being done monthly.

Auditor Scott Powell advised Council that Town Manager Gaston was made aware the third week in November. Councilmember Beshich-Lira stated that Council was not notified until December and that this unacceptable and the fact that staff is too busy is unacceptable. Councilmember Beshich-Lira then called for Mayor Valenzuela's resignation.

Councilmember John Tameron is disappointed in the Mayor's lack of response and would be happy to see a change in the Mayor. Councilmember Tameron then asks the Mayor to do what's best for the Town and resign.

Mayor Valenzuela addressed the Public and Council with 4 points; 1- Yes he mistakenly used the card unintentional and \$2,345.50 has been reimbursed, 2- Why are we on the subject, prior to his chair in office there were no audits. Mayor Valenzuela stated that he pledged to complete audits and they are being done now with auditor recommendations. Mayor Valenzuela then stated that he did nothing wrong. 3- Mayor Valenzuela thanked the Town Manager and Staff for the work that is being done and that these are personal attacks, and 4- Mayor Valenzuela stated that he will remain committed to work for the Town of Superior and welcomes an investigation.

Once again Councilmember Alonzo addresses the Mayor with a question regarding his own finances. Why didn't he know that these personal expenses were missing from his personal bank account? Councilmember Alonzo thanks Manager Gaston for her hard work. He also stated that the Manager and City Clerk were asked to work together and the Clerk was terminated; Councilmember Alonzo again pleads for the Mayor's resignation.

Councilmember Stephen Estatico states that it is time to move forward and start recruiting for a new Town Manager. Councilmember Estatico addressed the Town Manager with the question of budget and what the Town could afford regarding a Finance Director position. Town Manager Gaston reported to Council that budget wouldn't allow for 3 full time positions for Finance Director, Town Manager and City Clerk. Councilmember Estatico recommended looking for a Town Manager perhaps with a finance background.

Councilmember Beshich-Lira thanks Town Manager Gaston for her work and wants a full understanding of staff. Does the Town need full time positions or could we contract with another agency.

Motion: Accept the Auditor Findings by Scott Powell, CPA and make recommendations made a standard practice for use of bank cards; **Action:** Accept Audit Report and Recommendations, **Motion by:** Councilmember Mila Beshich-Lira, **Seconded by:** Councilmember Stephen Estatico
Motion passed unanimously

- E. Discussion and Possible Action Requesting Arizona Department of Public Safety Conduct a Criminal Investigation Based on the Findings of the Auditor's Report Concerning the Use of the Town Debit/Credit Card

Motion: Approve a Criminal Investigation based on the findings of the Auditor's Report Concerning the Use of the Town Debit/Credit Card to include all transactions on all cards starting in July of 2009 time of the last audit, **Action:** Approve, **Motion by:** Councilmember Mila Besich-Lira, **Seconded by:** Councilmember Stephen Estatico. Motion passed unanimously

F. Discussion and Possible Action of Posting the Position of Superior Town Manager and Finance Director

Motion: Approve recruitment of Town Manager with Finance Background, **Action:** Approve recruitment, **Motion by:** Councilman Stephen Estatico, **Seconded by:** Councilmember Michael Alonzo.

Motion passed unanimously

9. **CALL TO THE PUBLIC**

A. Any citizen desiring to speak on a matter that is not scheduled on this agenda may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Town Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Town Council. Pursuant to the Arizona Open Meeting Law, the Town Council cannot discuss or act on items presented at this time.

Paul Sears addressed Council regarding stray dogs around Town.

Nancy Garcia; former City Clerk Rachelle Sanchez' sister, stated that her sister Rachelle brought light to the misuse of the debit card and was unlawfully terminated.

Lydia Huerta states that the Mayor is a disgrace and asked for his resignation and also stated that the Mayor's vote to terminate Rachelle should be a conflict.

Rachelle Sanchez; former City Clerk wanted to clarify an article in the Superior Sun. She stated that she discovered the unlawful charges on the Town debit card and was terminated for doing her job.

Nancy Vogler stated that the Mayor has failed Superior and asked him to step down.

Bill Vogler stated that Mayor Valenzuela's resume was less than satisfying and asked him to step down.

Sunny Samson stated that Mayor Valenzuela was a representative of Government and there was a gross conflict of interest in the termination of former City Clerk Rachelle Sanchez and asked the Mayor to step down.

B. At the conclusion of the call to the public, individual Town Council members may (1) respond to criticism made by those who have spoken; (2) ask staff to review a matter; or (3) ask that a matter be put on a future agenda.

10. SUMMARY OF CURRENT EVENTS

A. Council Members

Councilmember Besich-Lira personally apologizes to the Citizens of Superior and ask Mayor Valenzuela to resign and that Council will work hard to regain trust.

Councilmember Michael Alonzo updated the Town on more positive things and talked about the Little League season.

Councilmember Stephen Estatico who works for the Schools thanked the Police Department for reading to the kids.

Councilmember John Tameron also apologizes to the Citizens of Superior and asks for the public not to pass judgement until the Audit is complete.

Vice Mayor Olga Lopez apologies to the Citizens of superior and is hopeful moving forward.

B. Mayor

Mayor Valenzuela apologizes for his mistake and is moving forward knowing that the investigation will prove his innocence.

C. Town Manager

No report.

Additional call to the Public.

Sue Anderson called for Mayor Valenzuela to step down due to unopened bank statements from 2013 and information has been covered up.

Marilee Lasch stated that Town Government needed upgrading and that Mayor Valenzuela violated the Towns trust this was a crime and not a mistake. She asked the Mayor to leave with dignity and resign.

Tom Spridgen stated that Mayor Valenzuela was a Peace Officer with a higher standard and that this was a miss-use of city funds and hoped that he would be arrested. Asked the Mayor to resign.

Anna Campos stated that she has been a resident of Superior her whole life and was embarrassed to be a citizen of Superior, she then pleads for the Mayor to resign.

Leslie martin stated that the Town has been trying for years to get to the bottom of the financial mess.

Pamela Robago thanked Rachelle Sanchez for bringing light to this and asked by was this being covered up. She stated that the Town Attorney didn't do a good job and the Mayor's vote to terminate Rachelle was a conflict and shouldn't count.

Tiffany Rowell asked Mayor Valenzuela if she could have her taxes back.

Laticia Dillinger stated that the Town has been in the red for years and asked the Mayor for his resignation. She also stated that she is a certified EMT and cannot get a job in Superior or volunteer her services.

Freddy Ramon made a recommendation to look for well certified Managers.

Mary Fernandez stated that she was proud of Councilmember Michael Alonzo and Mila Besich-Lira for doing what's right.

Patsy Gutierrez stated that she was disappointed and sad what was happening to her beautiful town. People can steal and dogs are loose. She did state that she was proud of councilmembers Alonzo and Besich-Lira and that the Council needs more backbone and face issues. Ms. Gutierrez asked Mayor Valenzuela to resign.

Thomas Slapp stated that his son worked for the Town as was let go, he asks why? He also stated that Mayor Valenzuela was an absentee Mayor and that Councilmember Alonzo should be Mayor.

LeeAnn Taylor stated that her cats were killed by stray dogs and that this is a problem.

11. SCHEDULING OF MEETINGS AND EVENTS

Planning and Zoning Meeting January 21, 2016

Town Hall is closed January 18, 2016 Martin Luther King Day

Free Dump Day, January 23, 2016, 8:00 am - 1:00 pm

Council Meeting, February 11, 2016.

Motion: Adjourn into Executive Session, **Action:** Adjourn, **Motion by:** Councilmember John Tameron, **Seconded by:** Vice Mayor Olga Lopez

Motion passed unanimously. Regular meeting adjourned at 9:01 pm.

12. EXECUTIVE SESSION

A. Confidentiality Statement

B. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts, contracts subject to negotiation and or in settlement discussions conducted in order to avoid or resolve litigation.

Resolution Copper status of negotiations concerning possible Emergency Service Agreement and Memorandum of Understanding.

Regular Session reconvened at 9:28 pm.

13. REGULAR SESSION

14. Council directed the Town Attorney to Proceed as Directed in Executive Session.

15. ADJOURNMENT

Motion: Adjourn, **Action:** Adjourn, **Motion by:** Vice Mayor Lopez, **Seconded by:** Councilmember Besich-Lira.

Motion passed unanimously. Meeting adjourned at 9:29 pm.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Superior held on the 14th day of January, 2016. I further certify that the meeting was duly called and held and that a quorum was present.



Shelly Salazar, City Clerk; City of Globe